



## Congress of the United States

February 2, 2023

The Honorable Joan Mooney  
Principal Deputy Assistant Secretary  
U.S. Department of Interior  
1400 Independence Avenue, SW  
Washington, D.C. 20250

The Honorable Jaelith Hall-Rivera  
Deputy Chief  
U.S. Forest Service  
201 14th St SW  
Washington, DC 20227

Dear Principal Deputy Assistant Secretary Mooney and Deputy Chief Jaelith Hall-Rivera,

We write to request a prompt and written update on the implementation of the temporary wildland firefighter supplemental salary increase as required in the Infrastructure Investment and Jobs Act.

Nearly every major wildfire in the U.S. relies on a response from federal wildland firefighters and the vital services their specialized crews provide. The need for their services has only become more pronounced as we experience longer fire seasons with increased frequency and more extreme behavior.<sup>1</sup> Indeed, according to the National Oceanic and Atmospheric Administration, in 2022 alone, there were over 66,250 wildfires that burned over 7,500,000 acres across the United States.<sup>2</sup> Wildland firefighters protect our communities from property damage, mass evacuations, threats to air quality, and the tragic loss of human lives.

Our federal firefighting workforce, however, continues to be severely undercompensated for these sacrifices and their ongoing service. The Infrastructure Investment and Jobs Act signed by President Biden in 2021 included \$600 million to boost firefighter pay and convert seasonal firefighters to permanent, year-round employees.<sup>3</sup> Specifically, section 40803 of the law provides a supplemental salary increase of \$20,000 per year, or 50% of base salary, for wildland firefighters employed by the Department of Agriculture and the Department of Interior. While we welcome these overdue payments, we have received disturbing reports of unsatisfactory processing of this salary increase throughout the Forest Service and National Park Service.

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<sup>1</sup>*Monthly Wildfires Report for Annual 2021.* "Annual 2021 Wildfires Report | National Centers for Environmental Information (NCEI), Jan. 2022

<sup>2</sup>*Monthly Wildfires Report for Annual 2021.* "Annual 2021 Wildfires Report | National Centers for Environmental Information (NCEI), Jan. 2022

<sup>3</sup>Sherfinski, David, and Avi Asher -Schapiro. "U.S. Firefighters on Climate Frontlines Sound Alarm over Staffing." Thomson Reuters Foundation News, 22 Apr. 2022

Federal firefighters from our districts continue to share discrepancies between payments and what is required by statute in the Infrastructure Investment and Jobs Act.

A document containing frequently asked questions, published by the Departments in coordination with the Office of Personnel Management, states, “*the wildland firefighter supplemental salary increase is a new type of pay and currently there is not a specific system application to process this supplemental pay. In order to get the money to you as soon as possible we must use existing system applications to process these payments.*”<sup>4</sup> We seek clarification on the existing system applications and how the hourly supplement will affect Fair Labor Standards Act (FLSA) overtime rates.

Federal wildland firefighters are paid significantly less than their counterparts at state and local wildland fire agencies. A recent study conducted by the Government Accountability Office found that low pay was the most commonly cited barrier to recruiting and retaining federal wildland firefighters.<sup>5</sup> We must ensure that this critical workforce receives an increase to their base salaries without the potential docking of any existing overtime pay.

To better understand the implementation of the supplemental pay increase, we ask that you provide us with a written update within 30 days answering the following questions:

- 1) Are wildland firefighters indeed receiving a base salary increase (hourly supplement) or do the agencies classify the payments as a cash award, temporary compensation increase, or retention bonus?
- 2) If the hourly supplemental does count as a bonus, is the current wage augment compliant with nondiscretionary bonuses under the FLSA for non-exempt employees?
- 3) Would federal wildland firefighters be paid the same way using new system applications for this type of payment instead of the existing system applications?
- 4) We recognize that OPM, in collaboration with USFS and the Department of Interior (DOI), is in the process of establishing a new “wildland firefighter” occupational series as required under the Infrastructure Investment and Jobs Act. Will salaries for firefighters classified under this new series be paid in a matter similar to the supplemental payments?
- 5) What were the barriers to creating a new system to process these payments? How can Congress help the agencies work through these barriers in the future?
- 6) Are the agencies working on a new system to pay firefighters properly instead of promptly?

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<sup>4</sup>FREQUENTLY ASKED QUESTIONS Implementation of Section 40803 of the Bipartisan Infrastructure Law (Public Law 117-58). US Department of the Interior, 21 June 2022

<sup>5</sup>Wildland Fire: Barriers to Recruitment and Retention of Federal Wildland Firefighters, U.S. GAO, U.S. Government Accountability Office, 17 Nov. 2022

- 7) Where does the Interior Business Center receive the “Overtime and Straight Time Hourly Rate and FLSA Guidance” as stated in the Frequently Asked Questions section of the Firefighter Guide?

We appreciate your clarification on this important issue and look forward to your timely response.

Sincerely,



Joe Neguse  
Member of Congress



Jim Costa  
Member of Congress



Josh Harder  
Member of Congress



Dina Titus  
Member of Congress

cc: The Honorable Kiran Ahuja, Director, U.S. Office of Personnel Management